

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
RAMIN RAD "RAY" YEGANEH,
Defendant.

Case No. 15-cr-00339-PJH-1

**ORDER DENYING EX PARTE
APPLICATION FOR SUBPOENAS
DUCES TECUM; DENYING MOTION
TO FILE UNDER SEAL**

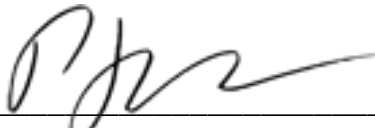
Before the court is defendant's ex parte application for issuance of subpoenas duces tecum, pursuant to Federal Rule of Criminal Procedure 17(c), and motion to file the ex parte application under seal. Because defendant has already entered a guilty plea, and seeks issuance of the subpoenas to prepare arguments for sentencing, and possibly objections to the presentence report, defendant has not demonstrated good cause for the underlying application to be filed under seal. Accordingly, the motion to file the underlying ex parte application is DENIED without prejudice. Defense counsel may file a supplemental declaration to establish good cause to seal the request for issuance of subpoenas by October 25, 2017, the deadline to file sentencing memoranda. If no such supporting declaration is filed by that date, the application for issuance of subpoenas duces tecum will be filed on the public docket.

The Rule 17(c) application seeks documents that are not relevant to the issues identified as being in dispute for sentencing, given that the underlying facts were established in discovery, as indicated in counsel's supporting declaration, ¶ 4. The documents sought by defendant would not be material to impeach or discredit statements

1 characterizing the purpose or intent of defendant's actions. Furthermore, the documents
2 sought by defendant implicate a third party's privacy rights, rendering the request for
3 subpoenas improper for ex parte treatment. Accordingly, the ex parte application for an
4 order authorizing issuance of subpoenas duces tecum is DENIED. If defense counsel
5 determines that the documents are relevant to address disputed factual issues at
6 sentencing, defendant is directed to meet and confer with the government to obtain
7 relevant documents, or file a Rule 17(c) application with notice to the government.

8 **IT IS SO ORDERED.**

9 Dated: October 13, 2017

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12 PHYLLIS J. HAMILTON
13 United States District Judge
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